

AMENDMENTS TO THE DRAWINGS:

The attached drawing sheets include changes to Figs. 1, 2, 3, 4, 5 and 6, and replace the original drawings depicting Figs. 1-6.

FIG. 1 – the lead line for numeral 2 has been given an arrow head

FIG. 2 – reference numerals 14 and 15 have been added

FIG. 3 – lead line for "302" has been given an arrowhead

FIG. 4 – reference numeral 315 added, and lead line for numeral 302 given an arrowhead

FIG. 5 – lead line for "502" has been given an arrowhead

FIG. 6 – reference numerals 515 and 514 are added;

lead line for "502" has been given an arrowhead

Attachment – Replacement Sheets (Figs. 1-6)

REMARKS

Reconsideration of the present application is requested.

All of the claims have been rejected as indefinite as failing to comply with the written description requirement of 35 USC. §112. Each of the independent claims has been amended to define the absorbent article as having a user-facing first "side" which includes a surface layer (consisting of a hydrophobic material) and also exhibits a wetting region (consisting of hydrophilic absorbent material). Thus, the claims no longer specifically recite a layer as including both the surface layer and the wetting region.* Rather, the claims now recite that a first "side" of the article includes a surface layer and a wetting region.

In order to avoid making the claims too difficult to read by amending the claims via cross-outs and underlining, it was deemed better to rewrite the independent claims as new independent claims. Thus, the previous and new independent claims correspond as follows:

New Claims	Previous Claims
34	1
35	2
36	16
37	19
38	22
39	31
40	32
41	33

* It is noted that the description orally describes such a possibility at least in the paragraph bridging pages 5 and 6, and on the first full paragraph of page 11, and that possibility is covered by at least some of the pending claims.

The claim amendments have necessitated numerous changes to the specification in order to provide antecedent basis for the amended claim language. For example, it will be appreciated that the reference numerals 2, 302 and 502 were originally intended to reference a structure that included both the liquid-pervious wetting region 15, 315 or 515 as well as the liquid-pervious hydrophobic layer 14, 314 or 514 bordering the wetting region. Thus, the numerals 2, 302 and 502 and now designate the "user-facing first side" of the article.

Accordingly, it is submitted that the rejection made on page 2 of the Official action has been overcome.

Claims 1, 16, 17, 19, 20, and 22-26 were rejected under 35 U.S.C. §102(b) as being allegedly anticipated by U.S. Patent No. 5,330,456, hereinafter Robinson.

Independent claims 1, 16, 19 and 22 have been replaced respectively by claims 34, 36, 37 and 38 which involve an absorbent article or a method of using an absorbent article, wherein the absorbent article includes a liquid-pervious first side having a surface layer (e.g., 14, 314 or 514 of the depicted preferred embodiments) consisting of a hydrophobic material. The first side exhibits a wetting region consisting of hydrophilic absorbent material adapted to retain moisture. An outer edge portion of the wetting region is bordered by the hydrophobic material of the surface layer which is situated laterally outwardly past the wetting region. A purpose of using a hydrophilic absorbent material in the wetting region is that the hydrophilic absorbent material is able to retain moisture, thus avoiding or minimizing desiccation of the mucus membranes, see page 4, lines 1-10, of the present application.

In the Official action it was asserted that the top sheet 102 of Robinson corresponds to the claimed liquid-pervious surface layer (i.e., to the now-recited

liquid pervious first side). However, there is no teaching or suggestion in Robinson that the wetting region of the top sheet 102 consists of a hydrophilic absorbent material, as is set forth in the independent claims of the present application. Specifically, Robinson indicates that the hydrophobic top sheet 102 may be treated with a surfactant in a central portion thereof. However, there is no teaching or suggestion that the hydrophobic top sheet 102 of Robinson is absorbent. The fact that the surface material 102 in Robinson is treated with a surfactant does not mean that it is also made absorbent, and has the ability to be maintained in a moist condition.

In the last sentence of page 7 of the Official action, it is asserted that the present specification teaches that a hydrophilicity of a surface layer means that the surface layer is also absorbent, referencing page 11, lines 24-28 of the specification. However, that constitutes an inaccurate interpretation of the specification. The specification at page 11, lines 24-28 never states that that a material is absorbent by virtue of being hydrophilic. That portion of the specification refers to a hydrophilic layer and describes it as being absorbent. It merely refers to an element which has the characteristics of being both hydrophilic and absorbent without stating that absorbency is inherent from hydrophilicity. In that regard, attention is directed to a more descriptive sentence of the specification at page 11, lines 17-18:

"Since the second layer 16 is hydrophilic and absorbent, there is no risk of desiccation..."

That sentence suggests that the hydrophilic and absorbent characteristics are independent. Thus, the present specification cannot be relied upon to support the contention that treating a material with a surfactant renders the material absorbent.

Claim 1 also stands rejected as obvious over U.S. Patent No. 4,631,062, hereinafter Lassen, in view of U.S. Patent No. 3,838,692, hereinafter Levesque. Lassen discloses a sanitary pad which defines a wetting region adapted to be disposed adjacent the mucous membranes of the user. But Lassen does not disclose the following presently claimed features:

- a) a liquid-pervious hydrophilic absorbent material within the wetting region,
- or
- b) the outer edge portion of the wetting region being bordered by a hydrophobic material which is situated laterally outwardly thereof.

Levesque does not make obvious those differences. Specifically, Levesque and Lassen are completely inopposite, and teach away from each other. Lassen discloses a sanitary pad and recognizes the desirability of maintaining a suitably moist interface. See column 14, lines 5-10. In contrast to Lassen, Levesque relates to a diaper, not a sanitary pad, and has a completely opposite goal. That is, Levesque's product functions as a diaper liner to prevent soiling of the diaper with solid waste material. As an object, Levesque seeks to avoid maintaining the liner wet. See column 1, lines 28-31, in contrast to Lassen's intent of maintaining a moist interface. Even more specifically, Levesque explains that it is important to minimize the area of the product that is wet or moistened to reduce skin irritation. See column 7, lines 22-26. Thus, one of ordinary skill in the art practicing the teachings of Lassen, which encourages a wet or physiologically hydrous material, would not be motivated to follow or combine the teachings of Levesque with Lassen since Levesque teaches to maintain the surface as dry as possible. Accordingly, the teachings of Levesque and Lassen are mutually inconsistent, and there is no

obvious sub-combination thereof which would result in the presently claimed invention.

Allowance of the present application is respectfully requested.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: September 5, 2006

By



Alan E. Kopecki
Registration No. 25813

P.O. Box 1404
Alexandria, VA 22313-1404
☐
☐ 1737 King Street, Suite 500
Alexandria, VA 22314-2727
703 836 6620